

REMARKS

This is a response to the Office Action mailed August 24, 2006. Claims 1-6 are pending.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Henneberger et al. (U.S. Patent No. 5,067,678), Fox (U.S. Patent No. 7,034,227), and Barybin et al. (SU 1272387). Applicants respectfully traverse the Examiner's rejections. Reconsideration is requested for at least the following reasons.

Claim 1 recites a base element with opposite linear mating edges each having a continuous cross-section along the length of each mating edge, and mounting a plurality of side elements to the base element along the mating edges.

The Examiner concedes that both Henneberger and Fox disclose systems that are integrally formed. The Examiner states that it would have been obvious at the time of invention to deconstruct the integral systems disclosed by Henneberger and Fox into various elements because it has been held that constructing a formerly integral structure into various elements involves only routine skill in the art. This assertion is respectfully traversed for the following reasons.

It is true that courts have held that, in certain situations, breaking an integral component into separable elements may not be patentable. See MPEP 2144.04(V)(C). However, claim 1 does not simply recite a method including a cable routing system that is separated into elements. Instead, claim 1 is directed to a method of assembly that recites a specific structure for each of the elements that allows the elements to be assembled according to the steps of the claimed method to form the cable routing system.

For example, claim 1 recites a base element with opposite linear mating edges each having a continuous cross-section along the length of each mating edge. Even if the systems disclosed by Henneberger and Fox could be broken into various elements, neither suggests a base element with linear mating edges configured in the manner recited by claim 1.

The Examiner identifies column 4, lines 6-15 of Henneberger as disclosing linear mating edges configured as recited by claim 1. However, this section simply states that the trough 10 disclosed by Henneberger has the same cross-sectional profile along its entire length. The cross-sectional profile identified by Henneberger is not a linear mating edge as recited by claim 1. Nor does the cross-sectional profile of Henneberger have a plurality of side elements mounted thereto. In other words, the cross-sectional profile disclosed by Henneberger is transverse to the

length of the trough 10, while claim 1 recites a linear mating edge having a continuous cross-section along the length of each linear mating edge.

Barybin is cited for disclosing a system formed of various elements. However, like Henneberger and Fox, Barybin fails to disclose or suggest the configuration of the elements of the cable routing system recited by claim 1. For example, Barybin fails to disclose a second plurality of the side elements defining side exits extending transversely relative to the linear mating edges, and generally parallel to the planar top surface, as recited by claim 1.

Further, the Examiner provides no rationale as to how one skilled in art at the time of invention would modify either Henneberger or Fox in view of Barybin to arrive at the claimed invention. Again, claim 1 does not simply recite a cable routing system broken into various elements, but instead recites a specific structure for each of the elements that allow the elements to be assembled according to the steps of the claimed method to form the cable routing system. Neither Henneberger, Fox, nor Barybin, alone or in combination, discloses or suggests base and side elements configured as recited in claim 1.

Reconsideration and allowance of independent claim 1 and dependent claim 2 are therefore requested for these reasons.

Claim 3 recites sides having a continuous cross-section along the length of each side, and mounting selected mating elements to the base element along the sides. Independent claim 3 and dependent claim 4 are therefore patentably distinguished from Henneberger, Fox, and Barybin for at least reasons similar to those provided above. Reconsideration and allowance are respectfully requested.

Claim 5 recites base elements having a continuous cross-section in a direction parallel to opposite sides of the element, and mounting a plurality of side elements to the base along the opposite sides of the base elements. Independent claim 5 and dependent claim 6 are therefore patentably distinguished from Henneberger, Fox, and Barybin for at least reasons similar to those provided above. Reconsideration and allowance are respectfully requested.

Favorable reconsideration in the form of a Notice of Allowance is earnestly solicited. If a telephone conference would be helpful in resolving any issue, the Examiner is urged to contact the undersigned at the telephone number noted.

Respectfully submitted,
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